

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
F/S J M Pearce Road, 1400' * ZONING COMMISSIONER
SE c/1 Sheppard Road * OF BALTIMORE COUNTY
1663 J M Pearce Road *
10th Election District * CASE # 89-383-SPH
1st Councilmanic District *

Garrett Power
Varrell Power Larson, et al
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a Special Hearing to approve or determine that the transfer of 9.818 acres of property contained in "Gordon's Ridge" by deed dated February 19, 1988 and recorded in Land Records of Baltimore County in Liber 7807, page 751, was conveyed with the restriction and understanding of all parties that it would transfer no building rights, nor density units permitted under the current RC-2 zoning for the property, as more particularly described in Petitioners' Exhibit 1.

The Petitioners, Garrett Power, Gordon G. Power, Stephen V. Power, Varrell Power Larson and Carl A. Larson appeared, testified and were represented by J. Carroll Holzer, Esquire. Appearing on behalf of the Petitioners were Cynthia E. Riley, Robert Kellner and Neil Schechter. There were no Protestants.

The evidence in the record seems to establish that in 1948, Gordon G. Power and Ethel G. Power, his wife, acquired a 97.62 acre parcel of land on J.M. Pearce Road in the 10th District of Baltimore County. On the death of Ethel G. Power in 1969, Gordon G. Power succeeded to her interest in the parcel.

Between 1961 and 1985 a number of conveyances were made. Two of these conveyances are of particular importance to the present petition. First, by a Deed dated November 18, 1970 and recorded among the land records of Baltimore County in Liber O.T.G. No. 5144, folio 456, remainder in all of

the Pearce Road property he then owned was conveyed by Gordon Power, Stephen V. Power, Varrell Power Larson and J. Gilbert Power. Gordon G. Power therein reserved a life estate with full power to grant, convey, or sell the parcel.

Second, in 1977, Gordon G. Power designated 28.439 acres parcel of the said property as the "Property of Gordon G. Power" on a plat recorded among the Plat Records of Baltimore County in Liber E.H.K. Jr., No. 42, folio 44. Gordon G. Power subsequently conveyed the said 28.439 acres parcel shown on Petitioner's Exhibit No. 1 as Carl A. Larson and wife, Lot 1 to Varrell P. Larson and Carl A. Larson, her husband.

Prior to his death in November 1987, Gordon G. Power had conveyed all of the original Pearce Road parcel except for 37.411 acres. Upon his death, said 37.411 acres passed to the remaindermen, Gordon G. Power, Jr., Garrett Power, Stephen V. Power, Varrell P. Larson and J. Gilbert Power, by operation of law.

Testimony indicates that the 37.411 acres is the area shown on Zoning Commissioner's Exhibit A comprised of 3 separate parcels (1) Lot No. 1 of 21.160 acres and (2) Lot 2 of 6.433 acres and (3) the 9.818 acre parcel. All 3 parcels were shown outlined in red on Zoning Commissioner's Exhibit A. This area of land remaining inside the red line encompassed approximately 37.411 acres and was subdivided on February 9, 1988 into the three parcels of land shown on Zoning Commissioner's Exhibit A and highlighted as lot No. 1 in orange, lot No. 2 in purple and the 9.81 acre parcel of ground outlined in green as a nondensity parcel.

The entire purpose of this hearing is to obtain approval that will permit the transfer of the 9.818 acres as a nondensity transfer from the

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remaining properties of Gordon G. Power to Carl A. Larson and wife. In other words, this hearing is to permit the transfer of the 9.818 acre parcel outlined in the adjoining property owner to Carl A. Larson and wife as a nondensity transfer.

The Petitioners claim and testified in support of this transfer to promote active farming on the Carl A. Larson tract and to enlarge the active farming area of that particular land holding. There was a great deal of testimony concerning the agricultural productivity of these lands and the suitability of adding the lands shown in the green area on Zoning Commissioner's Exhibit A to the Larson farm. The affect of this transfer would be to allow lots 1 and 2 highlighted in orange and purple to be developed as single family homesites and the enlargement of the Larson farm.

The issue here is whether or not the combination of the 9.818 acre parcel with the contiguous Carl A. Larson tract of 28.439 acres would comply with the spirit and intent of the Baltimore County Zoning Regulations (B.C.Z.R.) and would be consistent with the overall purpose of the RC-2 zoning classification.

Section 1A00.1 of the B.C.Z.R. explains the Baltimore County Council's intent in creating the R.C. classifications. The concern was evident that agricultural land was being converted by development without sound planning considerations; i.e., that development was creating "urban sprawl" and undesirable land use patterns. The Baltimore County Council wanted to protect prime agricultural land, critical watershed areas, mineral extractive sites, as well as other important natural resource areas.

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To achieve this result, the R.C. classifications would: 1) discourage present land use patterns of development and create a framework for planned or orderly development; 2) provide sufficient and adequate areas for rural-suburban and related development in selected and suitable areas; 3) protect both natural and man-made resources from compromising effects of specific forms and densities of development; and 4) protect areas desirable for more intensive future development of regulating undesirable forms of development within these areas until such time as intensive development commences. Specifically, the R.C.2 zone was established to encourage continued agricultural use of productive agricultural areas by preventing incompatible forms and degrees of urban uses.

The question here is one of construction of the B.C.Z.R. When interpreting the zoning regulations, the restrictive language contained must be strictly construed so as to allow the landowner the least restrictive use of his property. Mayor of Balt. v. Byrd, 62 Md. 98 (1948); Lake Adventure, Inc. v. Zoning Hearing Bd. of Annapolis Township, 440 A.2d 1284 (Pa. Cmwlth., 1982). When the language of a zoning regulation is clear and certain, there is nothing left for interpretation and the ordinance must be interpreted literally. Munsey v. Revell, 432 A.2d 661 (R.I., 1981).

The meaning of the words in a statute may be controlled by the context. A statute should be so construed that all its parts harmonize with each other and render them consistent with its general object and scope. Pittman v. Housing Authority, 25 A.2d 466.

The basic principals of statutory construction were comprehensively set out by the Court of Appeals in State v. Farnitz, 276 Md. (1975), cert. denied, 425 U.S. 942 (1976):

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The cardinal rule in the construction of statutes is to effectuate the real and actual intention of the legislature. Purifoy v. Merc. Safe Dep. & Trust 213 Md. 58, 327 A.2d 483 (1974); Seaville Serv., Inc. v. Controller, 269 Md. 393, 306 A.2d 534 (1974); Height v. State, 225 Md. 251, 170 A.2d 212 (1961). Equally well settled is the principle that statutes are to be construed reasonably with reference to the words, every statutory enactment must be considered in its entirety, and in the context of the purpose its enactment. Giant of Md. v. State's Attorney, 267 Md. 501 at 509, 298 A.2d 427, at 432 (1973). Of course, a statute should be construed according to the ordinary and natural import of its language, since it is the language of the statute which constitutes the primary source for determining the legislative intent. Governor v. Supervisor of Assess., 271 Md. 232, 315 A.2d 758 (1974); Height v. State, supra. Where there is no ambiguity or obscurity in the language of a statute, there is usually no need to look elsewhere to ascertain the intention of the legislature. Purifoy v. Merc. Safe Deposit and Trust, supra. Thus, where statutory language is plain and free from ambiguity and expresses a definite and sensible meaning, courts are not at liberty to disregard the natural import of words with a view towards making the statute express words with a meaning which is different from its plain meaning. Gatwood v. State, 244 Md. 609 224 A.2d 677 (1966). On the other hand, as stated in Quire v. State, 192 Md. 615, 623, 65 A.2d 299, 302 (1949), "(a)herence to the meaning of words from their context... (since) the meaning of the plainest words in a statute may be controlled by the context...". In construing statutes, therefore, results that are unreasonable, illogical or inconsistent with common sense should be avoided whenever possible consistent with the legislative language, with the real legislative intention prevailing over the literal meaning. B.F. Saul Co. v. West End Park, 250 Md. 707, 246 A.2d 591 (1968); Sanza v. Md. Board of Censors, 245 Md. 219, 226 A.2d 317 (1967); Height v. State, supra.

The application of the above principals to the B.C.Z.R. results in a clear finding that a nondensity transfer of land, all of which is contained in the same zone, which results in a larger tract with no

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additional development rights or density, permitted. The purposes of the R.C. zone are supported by testimony in this matter in reference to the reasons for the larger tract.

The fundamental purpose of the RC-2 zone is to protect the rural character of the productive agricultural areas of Baltimore County and to prevent the urbanization of these areas and to maintain as much productive agricultural land as possible for farming. The results of the transfer of the 9.818 acre tract to Carl A. Larson would be to increase the size of his actual farming operation. The combination of the 9.818 acre tract with the Larson 28.439 acre tract would be to create one large tract of land which would contain only two density units combined which would place all of the active agricultural lands under one title in one deed under one control and ownership, all of which would, clearly, foster the spirit of the RC-2 zone. This transfer would actually result in a large farm and would not increase density.

After due consideration of the testimony presented, there is no evidence that the Petitioners' request would be detrimental to the health, safety or general welfare of the community, if approved and granted. Furthermore, this transfer will not change the density of the area or allow for over development of the land. Actually, the transfer will facilitate the retention of an additional 9.81 acres of land in an actual farming operation. It is the opinion of the Zoning Commissioner that this transfer is consistent with the spirit and intent of the RC-2 zone as set forth in the B.C.Z.R.

Pursuant to the advertising, posting of the property, and public hearing on this petition held, and for the reasons given above, the requested Special Hearing should be granted.

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THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 7th day of Nov., 1989 that the request for a Special Hearing to approve the transfer of 9.818 acres of property contained in "Gordon's Ridge" by deed dated February 19, 1988 and recorded in Land Records of Baltimore County in Liber 7807, page 751, as a nondensity transfer, consistent with the current RC-2 zoning, and which does not increase density is consistent with the spirit and intent of the RC-2 zone of the B.C.Z.R. and, therefore, in accordance with Petitioners' Exhibit 1, the relief requested herein shall be and the same is hereby GRANTED, subject, however, to the following restrictions:

1. The subject nondensity 9.818 acre +/- parcel shall be combined with the Carl A. Larson and wife, lot No. 1, of 28.439 acre +/- parcel thereby creating one 38.257 acre +/- tract with two density units which shall be properly described as such in a re-definition or confirmatory deed and recorded among the Land Records of Baltimore County. Furthermore, the re-definition or confirmatory deed shall reference zoning case 89-383-SPH and shall, clearly, state that the newly created 38.257 acre +/- tract may only be sub-divided into two lots. The re-definition or confirmatory deed shall be recorded among the Land Records of Baltimore County on or before March 1, 1990 and a copy of the deed and proof of recordation shall be provided to the Zoning Commissioner on or before April 15, 1990.

2. The Petitioners shall have a new record plat recorded in the Land Records of Baltimore County for the newly created 38.257 acre +/- tract with only two density units. The new record plat shall, clearly, reference zoning case No. 89-383-SPH. The new record plat shall be recorded in the Land Records of Baltimore County on or before March 1, 1990 and a copy of that record plat and proof of recordation shall be submitted to the Zoning Commissioner on or before April 15, 1990.

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JRH:mmn
cc: Peoples Counsel

cc: J. Carroll Holzer, 305 West Chesapeake Avenue, Suite 105
Towson, Maryland 21204

cc: Mr. and Mrs. Carl A. Larson, 16631 Pearce Road, Monkton, Md. 21111

cc: Ms. Cynthia E. Riley, 19024 York Road, Parkton, Maryland 21120

cc: Mr. Robert Kellner, 16611 J.M. Pearce Road, Monkton, Md. 21111

cc: Mr. Neil Schechter, 233 E. Redwood Road, Baltimore, Maryland 21202

Robert Kellner
Robert Kellner
Zoning Commissioner for
Baltimore County

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6.257 acre parcel:

NOW THEREFORE WITNESSETH, That in consideration of no sum of money, and other good and valuable considerations, the receipt of which is hereby acknowledged, the said parties of the first part do grant and convey to the parties of the second part, as tenants by the entireties, their assigns, the survivor of them, and the survivor's Personal Representatives and assigns in fee simple, all that lot of ground situated in the 10th Election District of Baltimore County, State of Maryland and described as follows, that is to say:

All that lot of ground described in Exhibit A attached hereto and the Plat attached hereto and marked as Exhibit B.

TOGETHER with the buildings thereupon and the rights appertaining, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said described premises to the said parties of the second part, as tenants by the entireties, their assigns, the survivor of them, and the survivor's Personal Representatives and assigns, in fee simple; said property having a restriction of two density units for the entire lot of ground as set forth in the description referred to above.

And the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever to encumber the property hereby

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conveyed; they will warrant specially the property hereby granted and that they will execute such further assurances of the same as may be requested.

WITNESS the hands and seals of said grantors.

TEST:

Carl A. Larson

Varrell Power Larson (SEAL)
VARRELL POWER LARSON

Carl A. Larson (SEAL)
CARL A. LARSON

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, That on this *27th* day of *February*, in the year one thousand ninety, before me, the undersigned, a Notary Public of the State aforesaid, personally appeared VARRELL POWER LARSON and CARL A. LARSON, known to me (or satisfactorily proven) to be two of the persons whose names are subscribed to the within instrument, and acknowledged the foregoing Deed to be their act, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Rubicon J. Thomas
Notary Public

My Commission expires: *7/1/90*

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PHILIP E. CROSS
JAMES E. STOL
WILLIAM E. BLANCH
ROBERT T. LARSON
DAVID E. HARRISON

GERHOLD, CROSS & ETZEL
Registered Professional Land Surveyors
412 DELAWARE AVENUE
TOWSON, MARYLAND 21204
623-4470

EMERITUS
PAUL H. DOLLEBERG
FRED H. DOLLEBERG
CARL L. GERHOLD

February 19, 1990

All that piece or parcel of land situate, lying and being in the Tenth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at the beginning of a parcel of land which by a deed dated February 19, 1988 and recorded among the Land Records of Baltimore County in Liber S.M.No. 7807 folio 751 was conveyed by Gordon G. Power, Jr. et al to Carl A. Larson and wife, said place of beginning also being at the southeastermost corner of Lot 1 as laid out on the plat of "Property of Gordon G. Power" and recorded among the Flat Records of Baltimore County in Flat Book E.H.K.Jr. No. 42 folio 44, and running thence with and binding on the first, second and third lines of the first herein referred to parcel of land conveyed by Power to Larson, the three following courses and distances viz: South 16 degrees 09 minutes 10 seconds East 126.25 feet, South 66 degrees 09 minutes 40 seconds West 983.03 feet and South 86 degrees 26 minutes 15 seconds thence binding on the north side of a right of way 20 feet wide, and binding on the fourth, fifth, sixth and seventh lines of the herein referred to parcel of land conveyed by Power to Larson, the four following courses and distances viz: North 45 degrees 47 minutes West 23.42 feet, North 75 degrees 17 minutes West 57.67 feet, South 88 degrees 13 minutes West 178.67 feet and North 79 degrees 38 minutes West 80.76 feet to the center of J. M. Pearce Road, thence running with and binding on the eighth line of said last mentioned parcel of land and binding in the center of J. M. Pearce Road, North 30 degrees 24 minutes East 157.04 feet to the westermost corner of the herein referred to Lot 1 on the plat of "Property of Gordon G. Power", thence binding on the outline of said Lot 1 and binding in the bed of J. M. Pearce Road, North 30 degrees 24 minutes East 29.64 feet and thence leaving said Road and binding on the outlines of said Lot 1, the eleven following courses and distances viz: North 72 degrees 49 minutes 40 seconds East 293.64 feet, North 48 degrees 57 minutes 40 seconds East 395 feet, North 31 degrees 17 minutes 40 seconds East 645.8 feet, North 48 degrees 55 minutes East 331 feet, North 55 degrees 05 minutes East 310.89 feet, North 43 degrees 39 minutes East 250.58 feet, South 25 degrees 06 minutes East 99 feet, South 23 degrees 08 minutes East 78.38 feet, South 24 degrees 57 minutes East 176.73 feet, South 26 degrees 38 minutes East 247.50 feet and South 16 degrees 09 minutes 10 seconds East 580 feet to the place of beginning.

Containing 38.257 Acres of land more or less.

Together with the right and use in common with others entitled thereto, their heirs and assigns of the herein mentioned 20 foot right of way and described in the herein referred to deed conveyed by Power to Larson.

Being all of a parcel of land which by a deed dated February 19, 1988 and recorded among the Land Records of Baltimore County in Liber S.M.No. 7807 folio 751 was conveyed by Gordon G. Power, Jr. et al

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Registered Professional Land Surveyors
412 DELAWARE AVENUE
TOWSON, MARYLAND 21204
623-4470

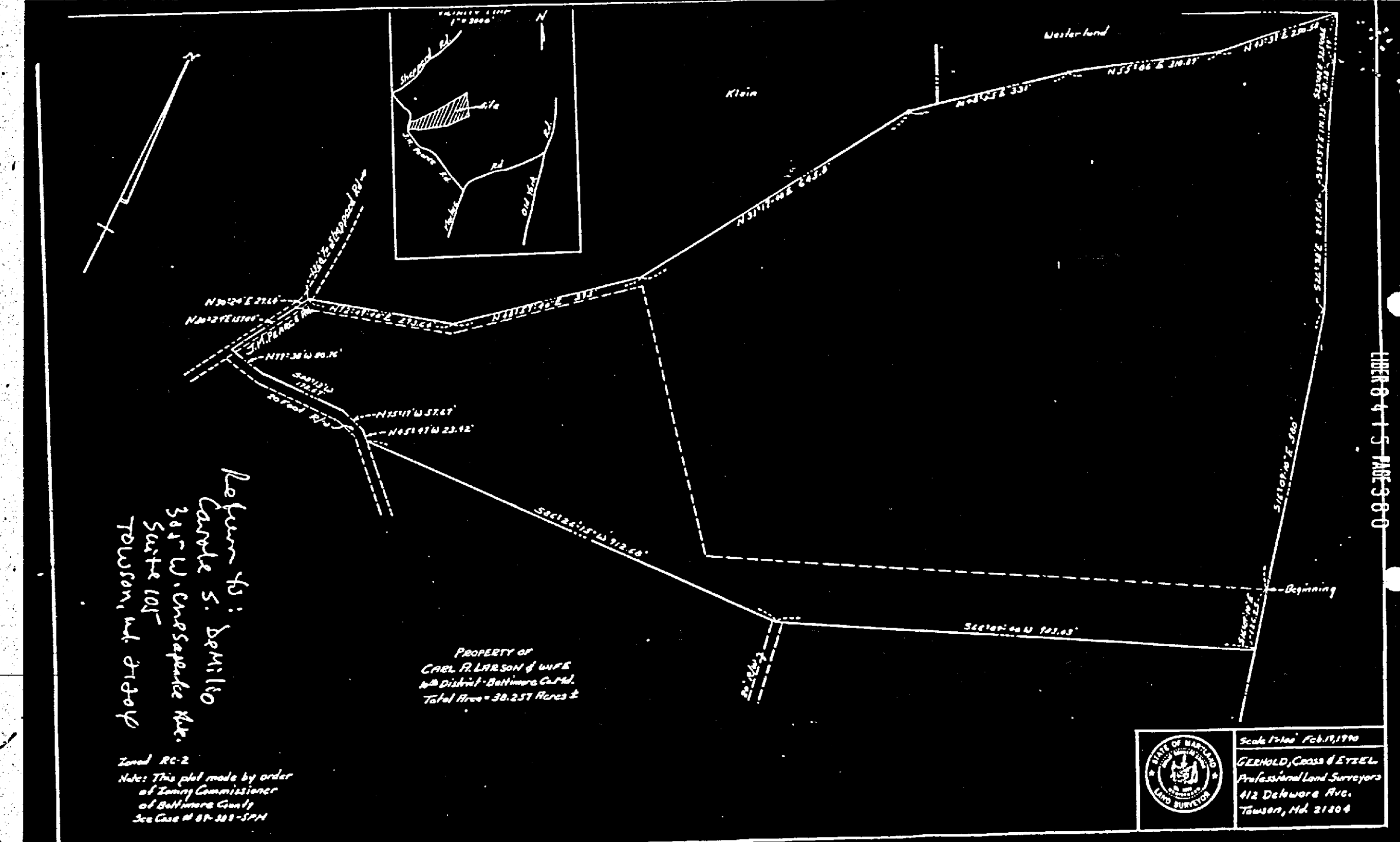
EMERITUS
PAUL H. DOLLEBERG
FRED H. DOLLEBERG
CARL L. GERHOLD

(2)

to Carl A. Larson and Varrell Power Larson, his wife.

Also being all of Lot 1 as laid out on the plat of "Property of Gordon G. Power" which plat is recorded among the Flat Records of Baltimore County in Flat Book E.H.K.Jr. No. 42 folio 44.

Subject to the Highway Widening and the 10 foot drainage and utility easements as shown on the herein referred to plat of "Property of Gordon G. Power."



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Registered Professional Land Surveyors
412 DELAWARE AVENUE
TOWSON, MARYLAND 21204
823-4470

December 22, 1986

All that piece or parcel of land situate, lying and being in the Tenth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at a point in the sixth or South 16 degrees 09 minutes 10 seconds East 1699.50 feet line of Lot 1 as described in a deed dated November 18, 1970 and recorded among the Land Records of Baltimore County in Liber O.T.G.No. 5144 folio 456 which was conveyed by Gordon G. Power to Gordon G. Power, Jr. et al, said point of beginning being at the southeast corner of Lot 1 as laid out on the plat of "Property of Gordon G. Power" and recorded among the Plat Records of Baltimore County in Plat Book E.H.K.Jr. No. 42 folio 44 and running thence with and binding on a part of said sixth line, South 16 degrees 09 minutes 10 seconds East 126.25 feet, thence leaving said outline and running for 1/2 of division, the two following courses and distances viz: South 6 degrees 09 minutes 40 seconds West 953.03 feet to a pipe set in the center of a traveled road and a 20 foot right of way now laid out and South 66 degrees 26 minutes 15 seconds West, leaving said right of way, 912.68 feet to the north side of a right of way now laid out, 20 feet wide, to include the existing roadway mentioned in the deed from Richard M. Green et al to Robert C. Kellner et al dated March 21, 1956 and recorded among the Land Records of Baltimore County in Liber E.H.K.Jr. No. 7124 folio 171, thence binding on the north side of said 20 foot right of way, the four following courses and distances viz: North 45 degrees 47 minutes West 23.42 feet, North 75 degrees 17 minutes West 57.67 feet, South 68 degrees 13 minutes West 178.67 feet and North 79 degrees 38 minutes West 80.76 feet to the center of J. M. Pearce Road and to intersect the sixteenth or North 30 degrees 24 minutes East 302.65 foot line of the first herein mentioned parcel of land which was conveyed by Power to Power, Jr., binding in the center of J. M. Pearce Road, North 30 degrees 24 minutes East 157.04 feet to the westernmost corner of the herein mentioned Lot 1 on the plat of Property of Gordon G. Power and thence leaving said J. M. Pearce Road and binding on the outlines of said Lot 1, the four following courses and distances viz: North 72 degrees 49 minutes 40 seconds East 319.74 feet, North 48 degrees 57 minutes 40 seconds East 399.00 feet, South 40 degrees 26 minutes 30 seconds East 557.20 feet and North 66 degrees 09 minutes 40 seconds East 1156.56 feet to the place of beginning.

Containing 9.818 Acres of land more or less.

Being a part of the parcel of land designated as Parcel 1 in a deed dated November 18, 1970 and recorded among the Land Records of Baltimore County in Liber O.T.G.No. 5144 folio 456 which was conveyed by Gordon G. Power to Gordon G. Power, Jr. et al.

Together with the right and use thereof in common with others entitled thereto, their heirs and assigns, of a right of way 20 feet

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823-4470

(2)

wide which includes an existing traveled road which leads from the herein described parcel of land in a southerly and northwesterly direction to the J. M. Pearce Road, the centerline thereof being described as follows to wit:

Beginning for the same at an iron pipe set at the beginning of the third line of the herein described parcel of land and running thence and binding in the center of an existing traveled roadway and for the center of said right of way 20 feet wide, the eleven following courses and distances viz: South 10 degrees 47 minutes 40 seconds East 559.75 feet, South 10 degrees 45 minutes West 97.44 feet, North 85 degrees 45 minutes West 68.26 feet, North 71 degrees 15 minutes West 178.88 feet, North 63 degrees 45 minutes West 254.24 feet, North 60 degrees 26 minutes West 169.77 feet, North 54 degrees 16 minutes West 210.88 feet, North 45 degrees 47 minutes West 201.19 feet, North 75 degrees 17 minutes West 53.58 feet, South 68 degrees 13 minutes West 178.26 feet and North 79 degrees 38 minutes West 85.39 feet to the center of J. M. Pearce Road; the herein described 20 foot right of way contains for a part the existing roadway referred to in the herein referred to deed from Green to Kellner.

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Registered Professional Land Surveyors
412 DELAWARE AVENUE
TOWSON, MARYLAND 21204
823-4470

Lot 1

All that piece or parcel of land situate, lying and being in the Tenth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at the beginning of a parcel of land which by a deed dated February 19, 1988 and recorded among the Land Records of Baltimore County in Liber S.M.No. 7807 folio 747 was conveyed by Varrell Power Larson et al to Gordon G. Power, Jr. et al and running thence and binding on the first and second lines of said parcel of land, the two following courses and distances viz: South 66 degrees 09 minutes 40 seconds West 953.03 feet and South 66 degrees 26 minutes 15 seconds West 912.68 feet to the north side of a right of way, 20 feet wide, described in a deed from Gordon G. Power, Jr. et al to Carl A. Larson and wife dated February 19, 1988 and recorded among the Land Records of Baltimore County in Liber S.M.No. 7807 folio 751, thence binding on the north side of said right of way and running with and binding on the third, fourth, fifth and sixth lines of the first herein referred to parcel of land which was conveyed by Larson to Power, the four following courses and distances viz: North 45 degrees 47 minutes West 23.42 feet, North 75 degrees 17 minutes West 57.67 feet, South 68 degrees 13 minutes West 178.67 feet and North 79 degrees 38 minutes West 80.76 feet to the center of J. M. Pearce Road, thence binding in the center of said Road and running with and binding on a part of the seventh line of said last mentioned parcel of land, South 30 degrees 24 minutes West 10.65 feet to the center of an existing traveled road, thence leaving said J. M. Pearce Road and binding in the center of said traveled road and binding in the center of said 20 foot right of way, the eleven following courses and distances viz: South 79 degrees 38 minutes East 85.39 feet, North 68 degrees 13 minutes East 178.26 feet, South 75 degrees 17 minutes East 53.58 feet, South 45 degrees 47 minutes East 201.19 feet, South 54 degrees 16 minutes East 169.77 feet, South 60 degrees 26 minutes East 210.88 feet, South 63 degrees 45 minutes East 254.24 feet, South 71 degrees 15 minutes East 178.88 feet, South 85 degrees 45 minutes East 68.26 feet, North 70 degrees 45 minutes East 97.44 feet and North 70 degrees 45 minutes East 20.04 feet to intersect the eighteenth or North 21 degrees 13 minutes West 208.94 foot line of the first herein referred to parcel of land which was conveyed by Larson to Power and thence running with and binding on a part of said eighteenth line and on the nineteenth and last lines of said parcel of land, the three following courses and distances viz: North 21 degrees 13 minutes West 11.00 feet, North 68 degrees 47 minutes East 1003.35 feet and North 16 degrees 09 minutes 10 seconds West 587.76 feet to the place of beginning.

Containing 21.160 Acres of land more or less.

Subject to and together with the right and use thereof in common with others entitled thereto, their heirs and assigns, of the 20 foot right of way described in a deed dated February 19, 1988 and recorded among the Land Records of Baltimore County in Liber S.M.No. 7807 folio

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412 DELAWARE AVENUE
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823-4470

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751 was conveyed by Gordon G. Power, et al to Carl A. Larson and wife.

Being a part of a parcel of land which by a deed dated February 19, 1988 and recorded among the Land Records of Baltimore County in Liber S.M.No. 7807 folio 747 was conveyed by Varrell Power Larson et al to Gordon G. Power, Jr., Garrett Power and Stephan V. Power.

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 7, 1987

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on March 2, 1987.

THE JEFFERSONIAN,

S. Zube Orlan
Publisher

PO 10432
reg M27056
price \$114.34

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

November 7, 1989

J. Carroll Holzer, Esquire
Suite 105, 305 W. Chesapeake Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
Garrett Power and Gordon G. Power- Petitioners
Case No. 89-383-SPH

Dear Mr. Holzer:

Enclosed please find a copy of the decision rendered in the above captioned matter. The Petition for Special Hearing has been granted.

In the event any party finds the decision rendered unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days from the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:mmm
cc: Peoples Counsel,
cc: Mr. and Mrs. Carl A. Larson, 16631 Pearce Road, Monkton, Md. 21111
cc: Ms. Cynthia E. Riley, 19024 York Road, Parkton, Maryland 21120
cc: Mr. Robert Kellner, 16611 J.M. Pearce Road, Monkton, Md. 21111
cc: Mr. Neil Schechter, 233 E. Redwood Road, Baltimore, Maryland 21202

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-383-SPH

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commission and/or Deputy Zoning Commission should approve or deny the transfer of 9.818 acres of property contained in "Gordon's Ridge" by deed dated February 19, 1988 and recorded in Land Records of Baltimore County in Liber 7807, page 751, was conveyed with the restriction and understanding of all parties that it would transfer no building rights, nor density units permitted under the current RC-2 zoning for the property.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

J. Carroll Holzer, Esquire

(Type or Print Name)

Signature

305 W. Chesapeake Ave., S-105

Towson, Maryland 21204

City and State

Attorney's Telephone No.: 301-825-6960

Legal Owner(s):

GARRETT POWER

(Type or Print Name)

Signature

GORDON G. POWER

(Type or Print Name)

Signature

(See attached sheet for additional owners)

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Address

Phone No.

ORDERED By the Zoning Commissioner of Baltimore County, this 8th day of Feb, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 17th day of March, 1989, at 2 o'clock P.M.

Best for 4/1/89 at 9:00am.
J. Robert Haines
Zoning Commissioner of Baltimore County.

E.C.O.-No. 1 (over)

Legal Owner(s):

STEPHEN V. POWER

Signature

VARRELL POWER LARSON

Signature

CARL A. LARSON

Signature

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 7, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on March 2, 1989.

TOWSON TIMES,

S. Zube Orlan
Publisher

PO 10432
reg M27056
price \$114.34

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333
J. Robert Haines
Zoning Commissioner

February 22, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

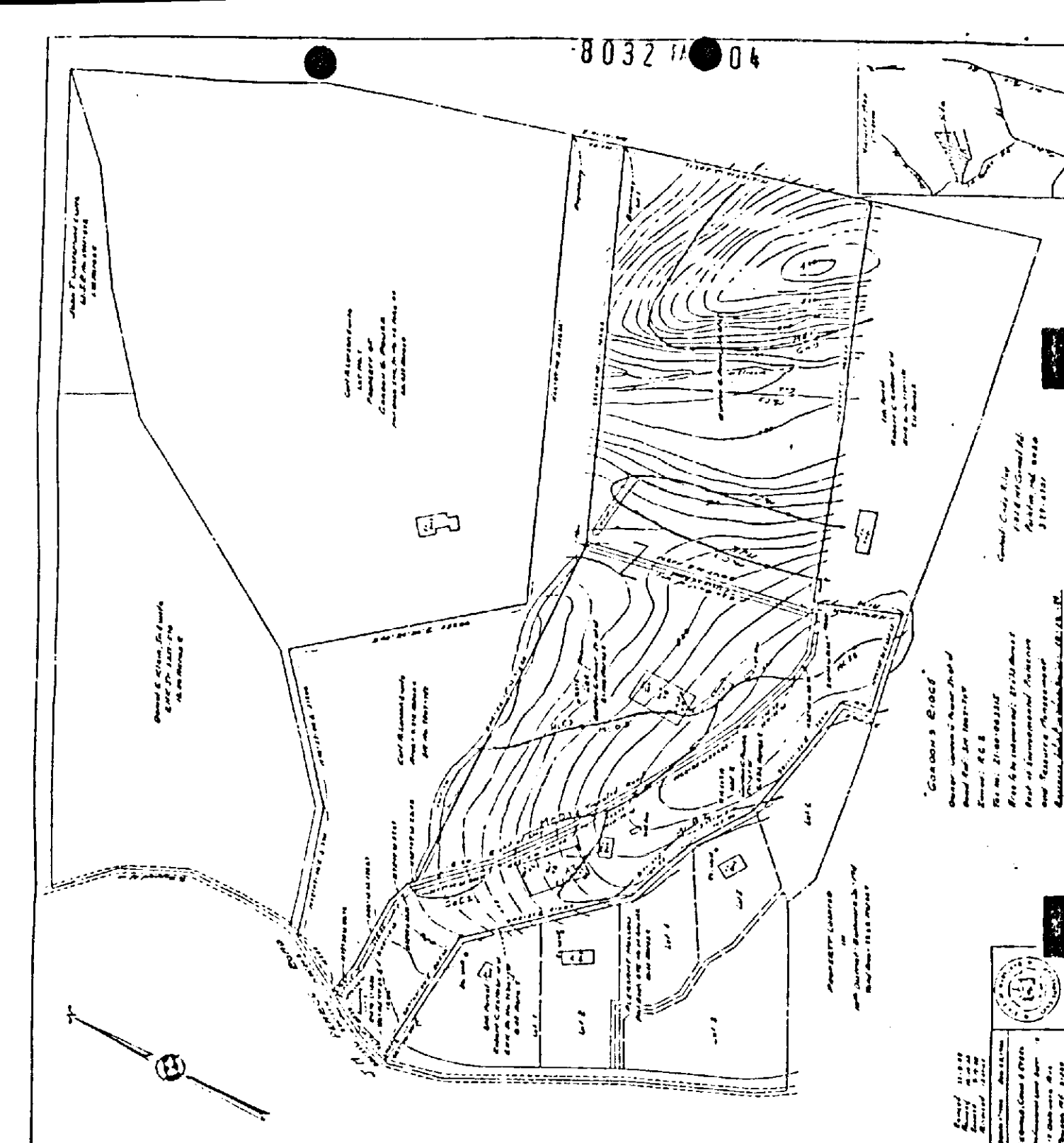
Petition for Special Hearing
CASE NUMBER: 89-383-SPH
E/S J. M. Pearce Road, 1400' SE of Sheppard Road
16631 J. M. Pearce Road
10th Election District - 3rd Councilmanic
Petitioners: Garrett Power and Varrell Power Larson, et al
HEARING SCHEDULE: FRIDAY, MARCH 17, 1989 at 2:00 p.m.

Special Hearings to determine that the transfer of 9.818 acres of property contained in "Gordon's Ridge" by deed dated Feb. 19, 1988 and recorded in Land Records of Baltimore County in Liber 7807, page 751, was conveyed with the restriction and understanding of all parties that it would transfer no building rights, nor density units permitted under the current RC-2 zoning for the property.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT No.

DATE _____ ACCOUNT _____
RECEIVED FROM _____ AMOUNT \$ _____
FOR _____

VALIDATION OR SIGNATURE OF CASHIER
DATE _____ TIME _____



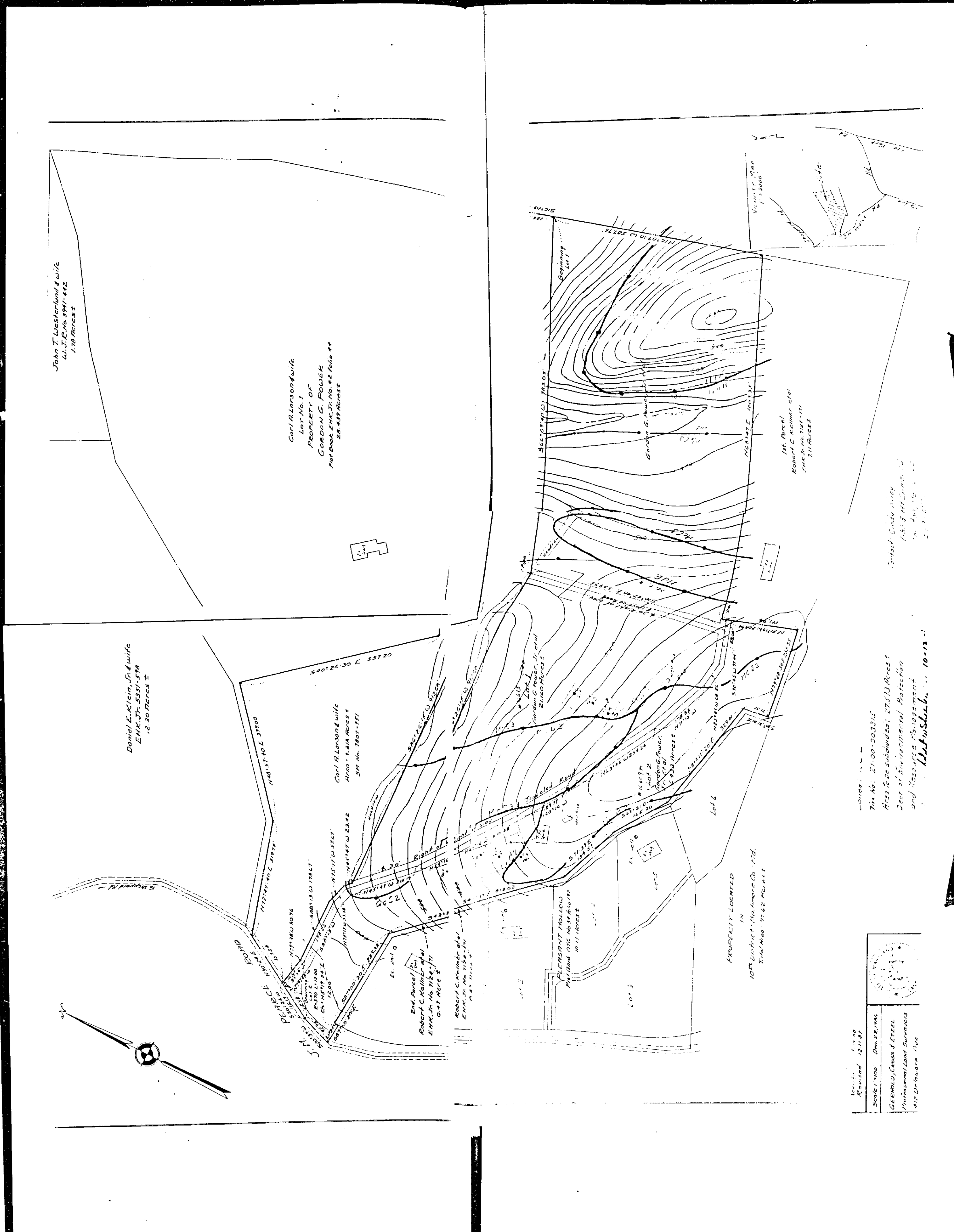
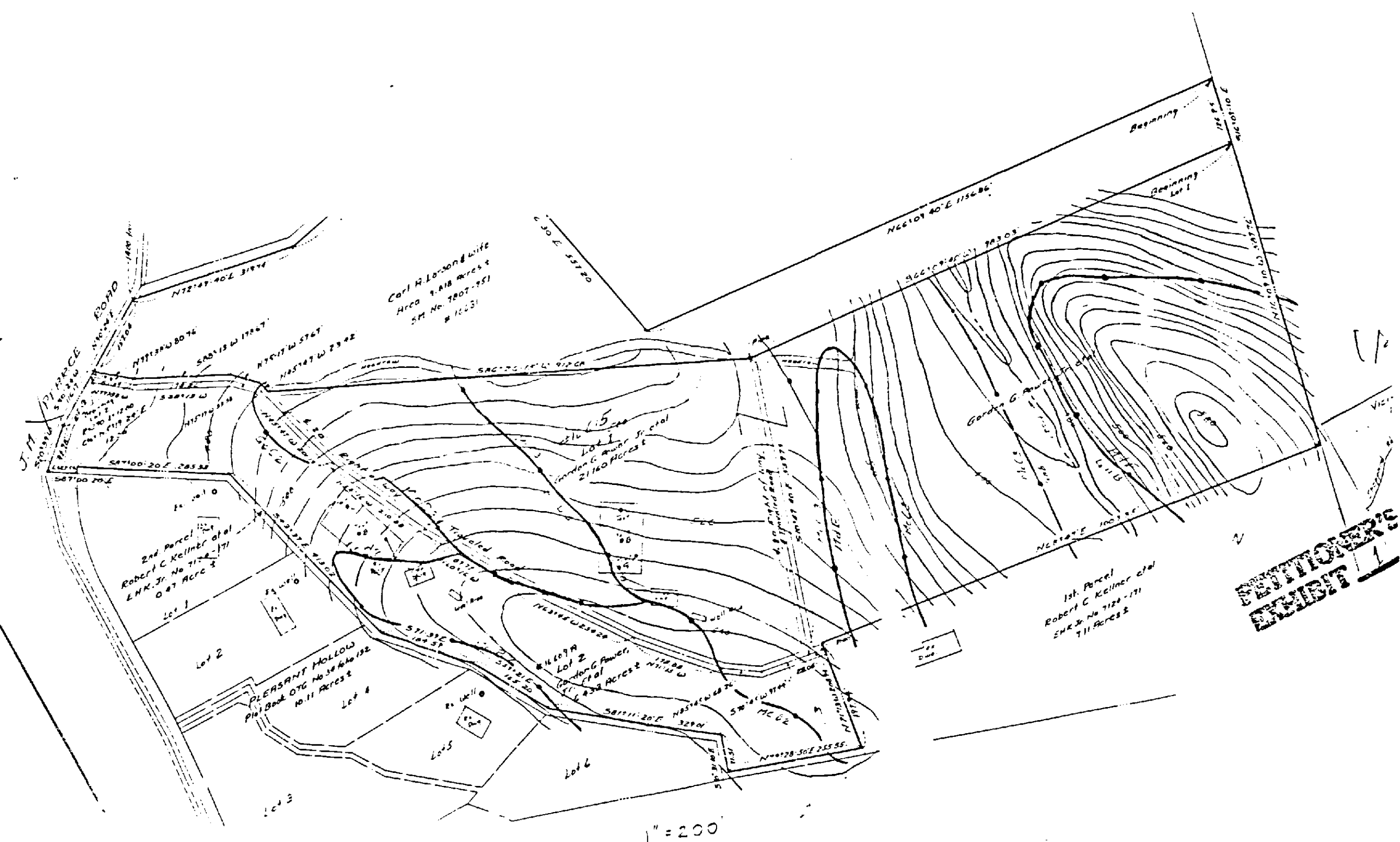
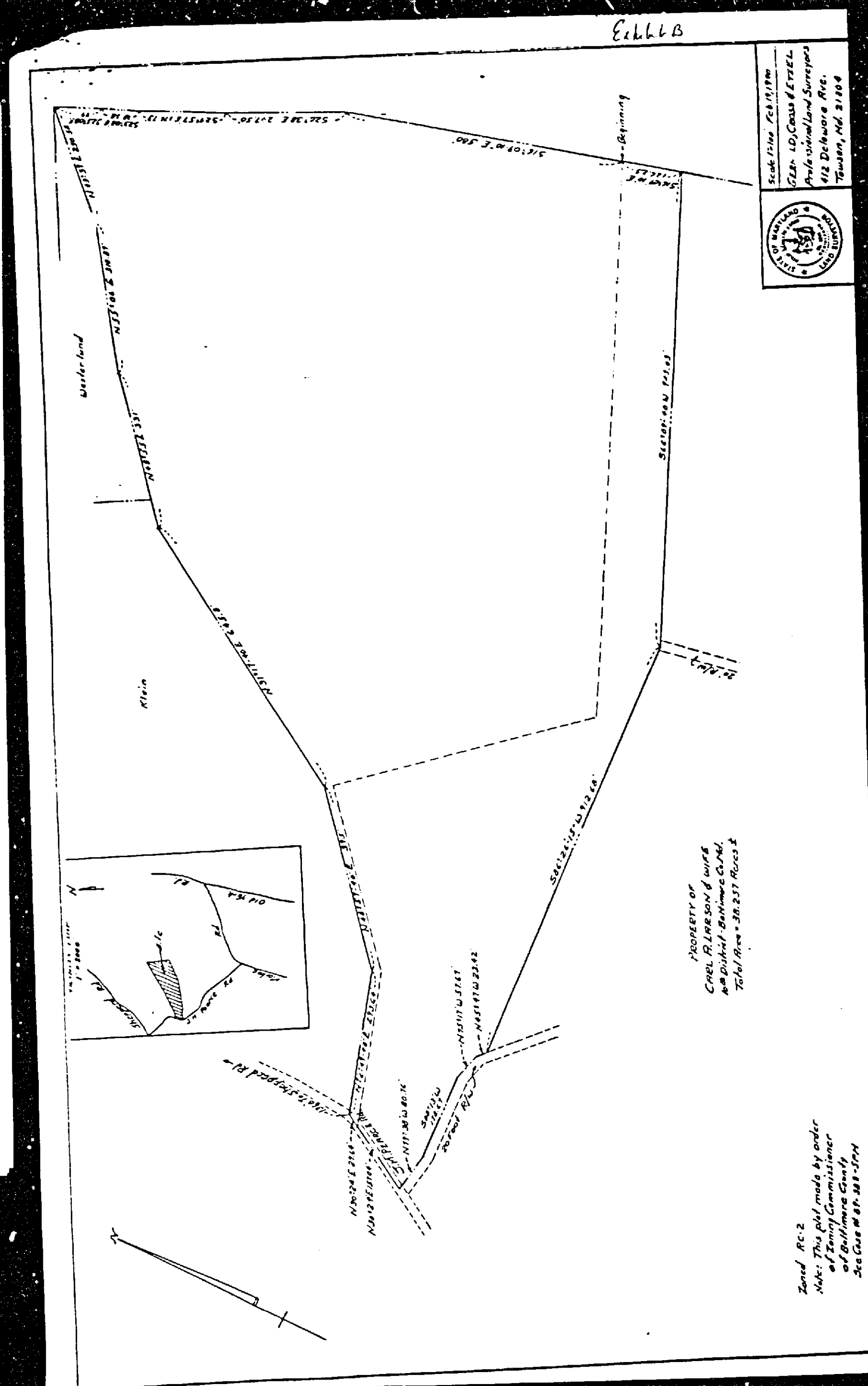
THIS CONFIRMATORY DEED, Made This 27th day of February, 1990, in the year one thousand nine hundred ninety, by and between CARL A. LARSON and VARRELL POWER LARSON, his wife, parties of the first part and CARL A. LARSON and VARRELL POWER LARSON, his wife, parties of the second part,

WHEREAS, by Deeds recorded in the Land Records Office for Baltimore County, in Libre 6771, Folio 723, by GORDON G. POWER, Grantor and CARL A. LARSON and VARRELL P. LARSON, his wife, Grantees, the Grantor did grant and convey unto the Grantees therein, a 28.439 acre parcel of land, being the same parcel of land designated on a plat recorded among the Plat Records of Baltimore County in Libre EHKJr number 42, Folio 44; and

WHEREAS, by a Deed dated February 19, 1988 and recorded among the Land Records of Baltimore County in Libre 7807, Page 751, GARRETT POWER, GORDON G. POWER, JR., STEVEN B. POWER, J. GILBERT POWER, AND VARRELL POWER LARSON, did grant and convey unto CARL A. LARSON and VARRELL POWER LARSON, his wife, a 9.818 acre parcel of land; and

WHEREAS, the aforesaid two parcels of land are currently zoned RC-2, and are contiguous to each other; and

WHEREAS, the parties of the first part intend by this Deed to combine the aforesaid parcels and impose a restriction on the number of density units on said combined aforementioned parcel as per the Order of the Zoning Commissioner of Baltimore County in Case No. 89-383-SPH; and



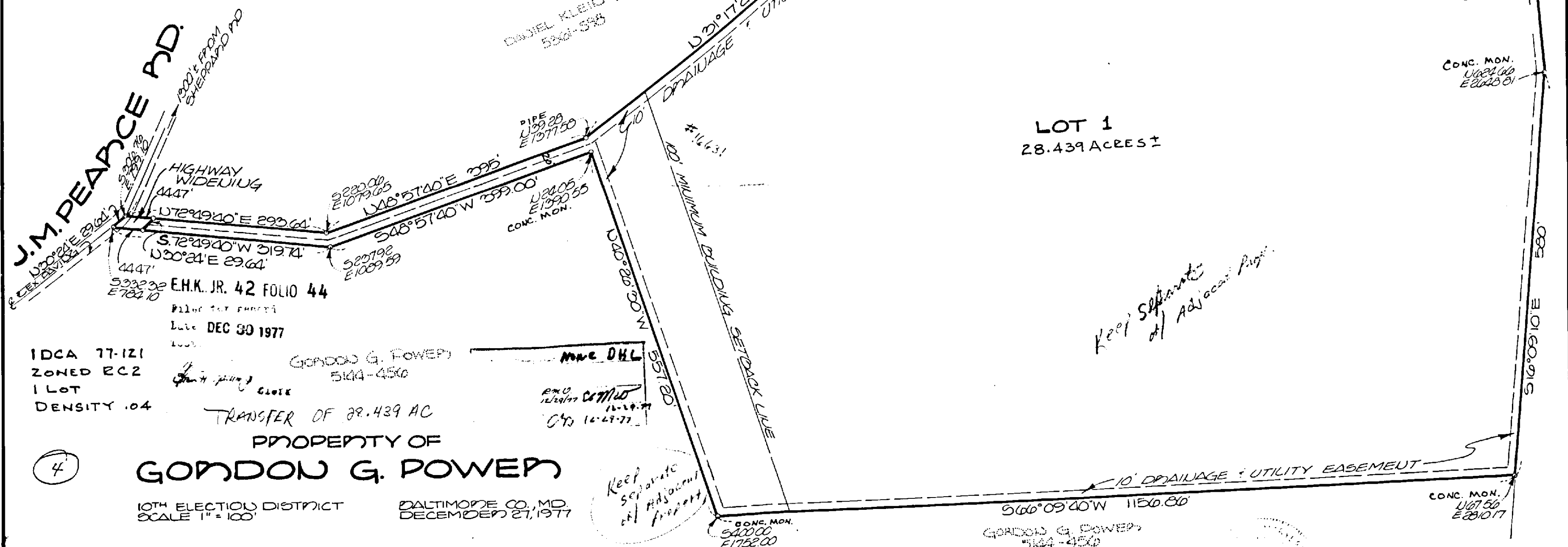
JCH/bl

NOTES:
 HIGHWAY AND HIGHWAY WIDENING, SCOPE, DRAINAGE AND UTILITY EASEMENTS SHOWN HEREON ARE RESERVED TO THE DEVELOPER, AND ARE HEREBY ACCEPTED FOR DEDICATION TO STATE AND THE DEVELOPER'S AND CONTRACTOR'S REPRESENTATIVES, AND ASSIGNS, SHALL CONVEY TO AND ACCEPT DEED, TO BALTIMORE, MD. 21201.

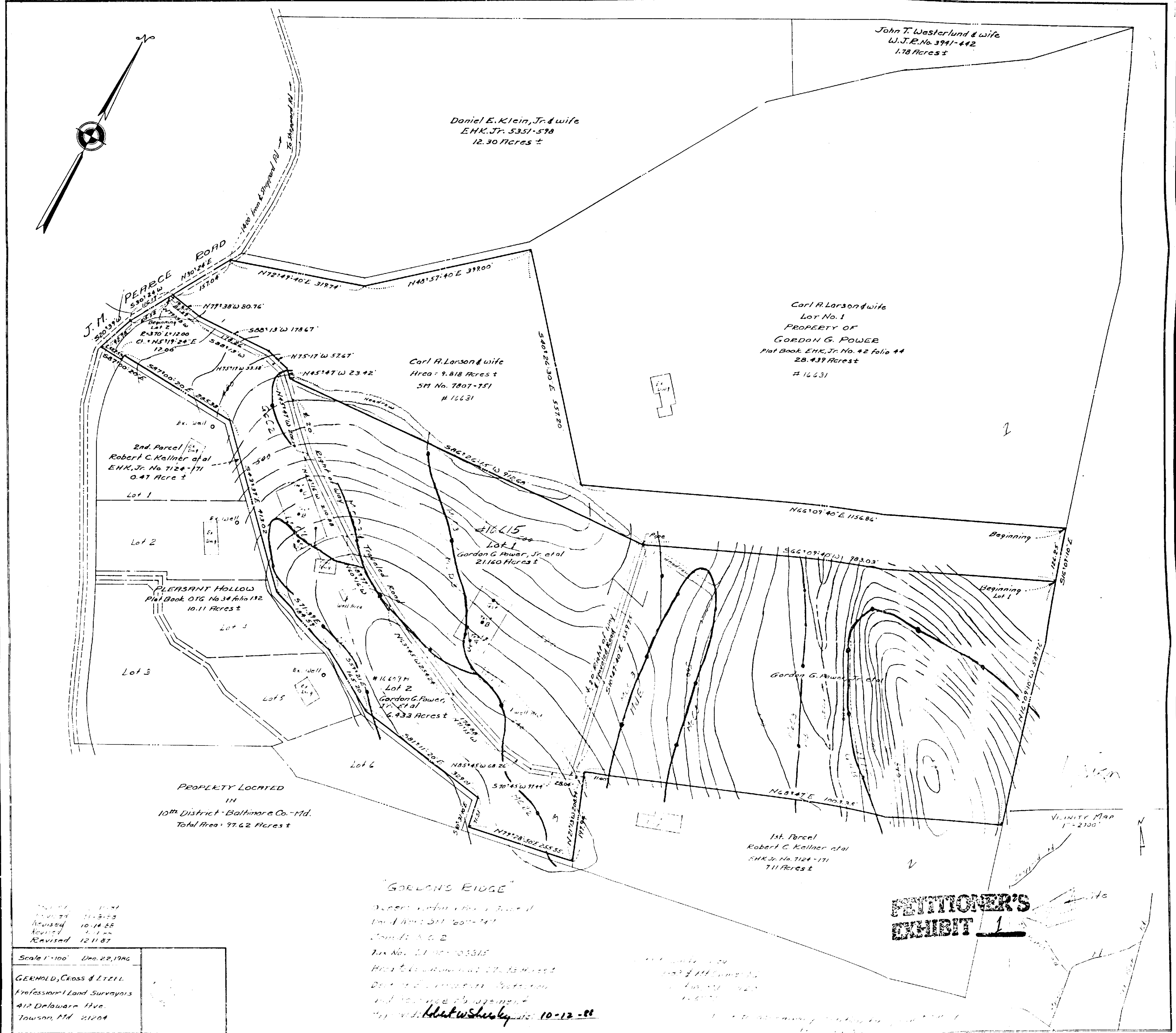
STREETS AND ROAD SHOWN HEREON AND MENTION THEREON IN DEEDS AND DEEDS OF RECORD, TO THE JUNCTION OF THE ROAD, TO BE USED FOR THE PURPOSES OF THE DEED TO WHICH THIS DEED IS ATTACHED, AND ASSIGNS.

FOR DRAINAGE LOTS REFUSE COLLECTION, SLOW REMOVAL, AND ROAD MAINTENANCE ARE PROVIDED TO THE JUNCTION OF THE DRAINAGE AND THE STREET RIGHT-OF-WAY, LINE ONLY, AND NOT TO THE DRAINAGE LOT OR DRIVEWAY.

COORDINATES SHOWN ON THIS PLAN ARE BASED ON AN ASSUMED SYSTEM.



<p>GUARDRAIL DRAINAGE AREA</p> <p>HIGHWAY DEPARTMENT OF BALTIMORE CO. APPROVED FOR ST. ALIGNMENT LOCATION</p> <p>DATE 12-30-77</p> <p>APPROVED FOR BALTO. CO. HEALTH DEPT.</p> <p>DATE 1-21-78</p> <p>APPROVED FOR BALTO. CO. PLANNING DEPT.</p> <p>DATE</p>	<p>OWNER'S CERTIFICATE:</p> <p>THE REQUIREMENTS OF SECTION 59 TO 62, ARTICLE 17 OF THE ANNOTATED CODE OF MARYLAND 1957, RELATIVE TO THE PREPARATION OF THIS DEED, HAVE BEEN COMPLIED WITH. GORDON G. POWER, JR. 42 FOLIO 44, BALTIMORE CO., MD. 21201.</p> <p>Gordon G. Power 12-29-77</p> <p>OWNER DATE</p>	<p>SURVEYOR'S CERTIFICATE:</p> <p>I, CARL L. GERHOLD, A REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF MARYLAND, DO HEREBY CERTIFY THAT THE LAND SHOWN HEREON HAS BEEN Laid Out AND THE PLAT THEREON PREPARED IN ACCORDANCE WITH THE PROVISIONS OF THE LAW RELATIVE TO THE SURVEYING OF LAND KNOWN AS HOPE, DILL, DO, 455, CH. 1010 OF THE ACTS OF 1936 AND SUBSEQUENT ACTS AMENDATORY THEREOF.</p> <p>Carl L. Gerhold 12-27-77</p> <p>REG. LAND SURVEYOR # 2480 DATE</p>	<p>GERHOLD, CROSS & ETZEL REGISTERED LAND SURVEYORS 412 DELAWARE AVE. TOWSON, MD. 21204</p>
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John T. Westerland & wife
W.J.P. No. 3741-442
1.28 Acres ±

Daniel E. Klein, Jr. & wife
E.H.K. Jr. No. 5351-578
12.30 Acres ±

Carl Larson & wife
Lot No. 1
PROPERTY OF
GORDON G. POWER
Gordon G. Power, Jr. No. 42 No. 44
Part Bank E.H.K. Jr. No. 42 No. 44
28.433 Acres

Carl Larson & wife
Area: 9.818 Acres ±
ST No. 1007-151

Spring
Commissioner's
Official A

1st Parcel
Robert C. Keimer et al
E.H.K. Jr. No. 724-171
7.11 Acres ±

Subdivided by
1-83 & H.C. 1001-171
Part 100, 101, 102
22.2-6171

"GORDON'S RIDGE"
Owner: Gordon G. Power, Jr. et al
Local No. 1: ST 1007-151

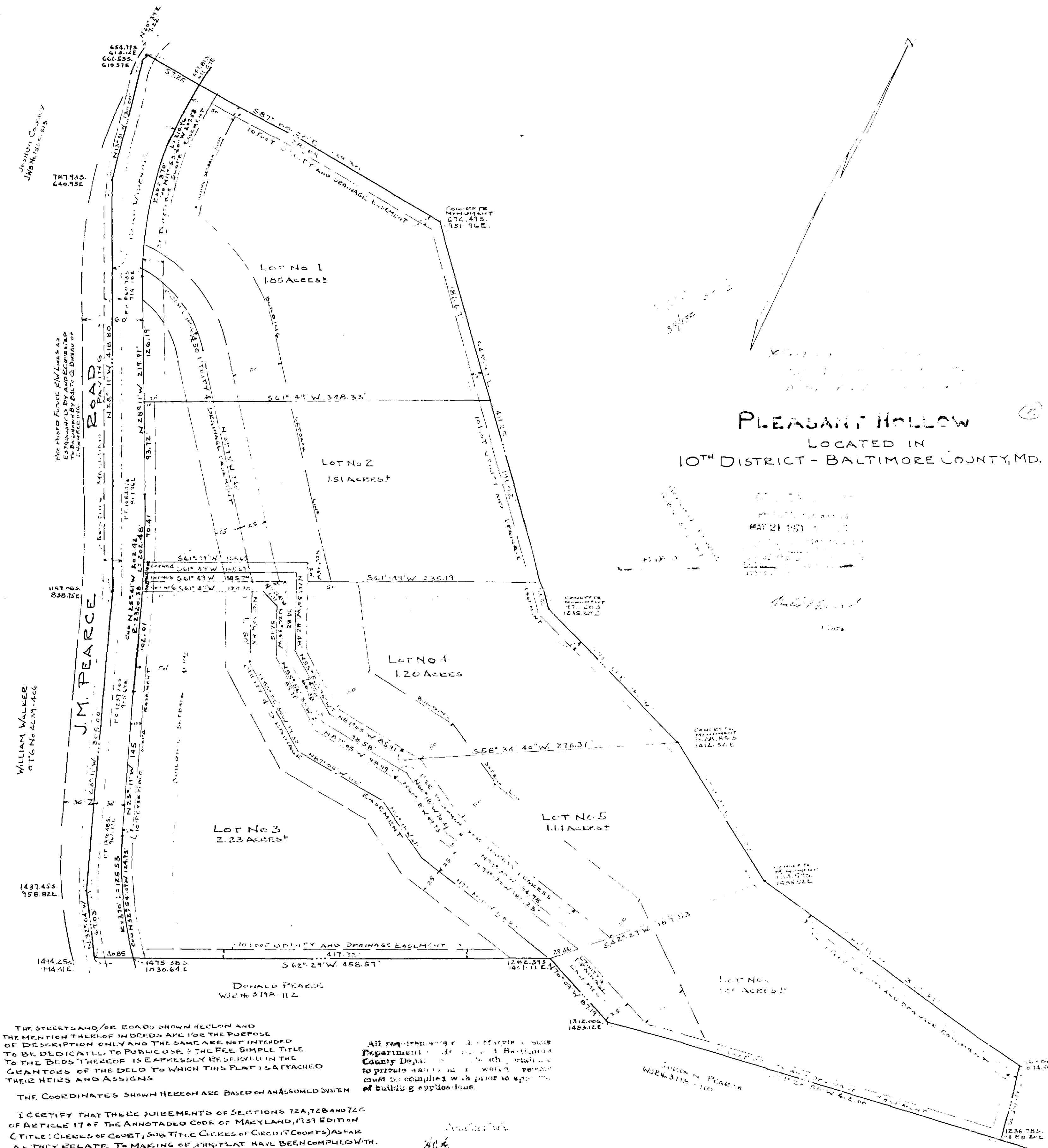
Subdivided by
1-83 & H.C. 1001-171
Part 100, 101, 102
22.2-6171

PROPERTY LOCATED
IN
10th District - Baltimore Co. - Md.
Total Area: 27.62 Acres ±

Surveyed 10-14-88
Revised 12-11-87

Scale 1"=100' Dec. 22, 1986
GERWOLD, CRASS & ETZEL
Professional Land Surveyors
412 Delaware Ave.
Towson, Md. 21204

PLEASANT HOLLOW
LOCATED IN
10th DISTRICT - BALTIMORE COUNTY, MD.



THE STREETS AND/OR ROADS SHOWN HEREON AND THE MENTION THEREOF INDEEDS ARE FOR THE PURPOSE OF DESCRIPTION ONLY AND THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USES. THE FEE SIMPLE TITLE TO THE BEDS THEREOF IS EXPRESSLY RESERVED IN THE GRANTORS OF THE DEED TO WHICH THIS PLAT IS ATTACHED. THEIR HEIRS AND ASSIGNS.

THE COORDINATES SHOWN HEREON ARE BASED ON AN ASSUMED SYSTEM.

I CERTIFY THAT THESE MEASUREMENTS OF SECTIONS 12A, 12B AND 12C OF ARTICLE 17 OF THE ANNOTATED CODE OF MARYLAND, 1981 EDITION (TITLE: CHURCHES OF COURT, SUB-TITLE: CHURCHES OF CIRCUIT COURTS) AS FAR AS THEY RELATE TO MAKING OF THIS PLAT HAVE BEEN COMPLETED.

SIGNED: Gordon G. Power DATE: 1-29-11
ADDRESS: J.M. Pearce & Sons, Inc. Manetown, MD

APPROVED: BALTIMORE COUNTY HEALTH DEPT. APPROVED: BALTIMORE COUNTY HIGHWAYS DEPT. APPROVED: BALTIMORE COUNTY PLANNING BOARD
DEPUTY STATE COUNTY HEALTH OFFICE DATE: 1-29-11 ROADS ENGINEER DATE: 1-29-11 DIRECTOR DATE: 1-29-11

SCALE: 1"=100' DEC. 22, 1986
DOLENGER BEETHES
SUBDIVISIONS & SURVEYS
10 WASHINGTON AVE. P.O. BOX 100

DINENNA, MANN & BRESCHI
ATTORNEYS AT LAW
S. ERIC DINENNA, PA.
JAMES L. MANN, JR., PA.
GEORGE A. BRESCHI, PA.
GERALDINE A. KLAUBER
FRANCIS X. BONGERDING
FEB 13 1993
February 10, 1989

J. Robert Haines
Zoning Commissioner
for Baltimore County
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: J. M. Pearce Road
Pedicord and Power's Property

Dear Mr. Haines:

This is to advise you that Mr. Carroll Holzer, Esquire has submitted to your office a Petition for Special Hearing pursuant to your instructions and the Petition enjoys Item No. 336.

Accordingly, I am advising my clients that they may proceed with the permit processing for their lot and that as per your agreement, their permit will be approved as far as zoning is concerned.

By copy of this letter I am confirming this with Mr. Holzer and also sending a copy to Mr. Sullivan who is familiar with this matter.

Very truly yours,

151
S. ERIC DINENNA

SED:cjc
cc: Carroll Holzer, Esquire
Mr. John Sullivan
Messrs. Kean and Peddicord
c/o Jeffrey F. Higdon, Esquire

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

July 9, 1990

J. Carroll Holzer, Esquire
305 W. Chesapeake Avenue, Suite 105
Towson, Maryland 21204

RE: Petition for Special Hearing
E/S J M Pearce Road, 1400' SE of the c/l of Shepherd Road
(1663 J M Pearce Road)
10th Election District - 3rd Councilmanic District
Garrett Power, et al - Petitioners
Case No. 89-383-SPH

Dear Mr. Holzer:

In response to your letter dated June 19, 1990 regarding the above-captioned matter, the following comments are offered.

Inasmuch as you have been unable to file a new record plat as required by Restriction No. 2 of the Order issued in the above-referenced matter and I understand the difficulties you have experienced in your attempts to comply with this restriction, I have agreed to accept the filing of the new deed for the subject property as sufficient. Please submit a copy of the recorded deed for inclusion in the case file at your earliest convenience.

Thank you for your attention in this matter.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: Case File

RONALD L. MAHER
J. CARROLL HOLZER
CAROL S. DEMILIO
J. HOWARD HOLZER
1907-1989

LAW OFFICES
HOLZER, MAHER & DEMILIO
305 W. CHESAPEAKE AVENUE
SUITE 105
TOWSON, MARYLAND 21204
(301) 823-6900
FAX (301) 823-6904

WASHINGTON, D.C. OFFICE
SUITE 700
1728 D SALES STREET, N.W.
WASHINGTON, D.C. 20036

RECEIVED
JUN 20 1990
June 19, 1990
#6391

Mr. Robert Haines
Zoning Commissioner of
Baltimore County
County Office Building
Towson, Maryland 21204

RE: Garrett Power sub-division, Case No.: 89-383-SPH

Dear Commissioner Haines:

I have previously written to you in regard to the recordation of a Confirmatory Deed and the inability on our part to file a record plat as per your order in the above captioned case. You indicated that you would confirm your position by letter.

If all possible I would appreciate receiving that confirmation in that my client would like to close this chapter of his difficulties with this particular sub-division and move on. Thank you very much for your cooperation.

Very truly yours,
J. Carroll Holzer

cc: Garrett Powers

JCH:kls

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

July 13, 1990

J. Carroll Holzer, Esquire
305 W. Chesapeake Avenue, Suite 105
Towson, Maryland 21204

RE: Petition for Special Hearing
E/S J M Pearce Road, 1400' SE of the c/l of Shepherd Road
(1663 J M Pearce Road)
10th Election District - 3rd Councilmanic District
Garrett Power, et al - Petitioners
Case No. 89-383-SPH

Dear Mr. Holzer:

Subsequent to my letter to you dated July 9, 1990 regarding the above-captioned matter, I located your previous correspondence in which you forwarded to me the original copy of the deed in question.

I have made copies of the deed and attached plat for inclusion in our case file and am forwarding the original copies back to you. Said documentation complies with Restriction Nos. 1 and 2 of the Order issued in this matter on November 9, 1989.

Thank you for your attention in this matter.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: Case File

RONALD L. MAHER
J. CARROLL HOLZER
CAROL S. DEMILIO
J. HOWARD HOLZER
1907-1989
LAW OFFICES
HOLZER, MAHER & DEMILIO
305 W. CHESAPEAKE AVENUE
SUITE 105
TOWSON, MARYLAND 21204
(301) 823-6900
FAX (301) 823-6904
WASHINGTON, D.C. OFFICE
SUITE 700
1728 D SALES STREET, N.W.
WASHINGTON, D.C. 20036

May 11, 1990
#6391

Mr. Robert Haines
Zoning Commissioner of
Baltimore County
County Office Building
Towson, Maryland 21204

Re: Petitioner's Power
Case 89-383-SPH

Dear Commissioner Haines:

I am writing to you as a result of our meeting last week at which time I presented to you the fact that my clients, the Powers have on February 27, 1990, recorded a Confirmatory Deed in the Land Record of Baltimore County which I am attaching hereto with the appropriate stamps indicating the liber and page number for that recordation. Attached to the Confirmatory Deed is a plat marked exhibit "B" which encompasses the restriction which was placed upon your approval of this transfer in your Order of November 9, 1989. The Confirmatory Deed and attached plat indicate for the record and to all third parties who may inquire in regard to this particular parcel, that the subject site is limited to two density units. I believe that the desire to protect innocent members of the public from acquiring the site and then discovering there were only two density units was the paramount purpose for which you placed the restrictions #1 and 2 in your Order.

In discussing the recording of a record plat in the Land Records of Baltimore County, which is the restrictions #2 in of your Order, the Clerk of the Court and people in charge of the Land Records indicate that the only way to record a record plat would be to go through the entire CRG process. It is not my understanding that you desire to require this procedure of the Powers. It is also my understanding that those in charge of the Land Records of Baltimore County feel that there is no established procedure for recording such a plat with only two lots being the subject of the record plat.

RECEIVED MAY 15 1990

Mr. Robert Haines
May 11, 1990
Page 2

I would therefore, respectfully request that you provide me with a letter indicating satisfactory compliance with restrictions 1 and 2 of your Order dated November 9, 1989. As further protection and notice to prospective purchasers of the site, I will record your letters in the Land Records of Baltimore County which shows compliance with your Order.

Thank you very much for your consideration in this respect.

Very truly yours,
J. Carroll Holzer

JCH:pm

LICER 8415 PAGE 374

THIS CONFIRMATORY DEED, Made This 27th day of February, 1990, in the year one thousand nine hundred ninety, by and between CARL A. LARSON and VARRELL POWER LARSON, his wife, parties of the first part and CARL A. LARSON and VARRELL POWER LARSON, his wife, parties of the second part,

WHEREAS, by Deeds recorded in the Land Records Office for Baltimore County, in Libre 6771, Folio 723, by GORDON G. POWER, Grantor and CARL A. LARSON and VARRELL P. LARSON, his wife, Grantees, the Grantor did grant and convey unto the Grantees therein, a 28.439 acre parcel of land, being the same parcel of land designated on a plat recorded among the Plat Records of Baltimore County in Libre EHKJR number 42, Folio 44;

and WHEREAS, by a Deed dated February 19, 1988, recorded among the Land Records of Baltimore County in Libre 7807, Page 751, GARRETT POWER, GORDON G. POWER, JR., STEVEN B. POWER, J. GILBERT POWER, AND VARRELL POWER LARSON, did grant and convey unto CARL A. LARSON and VARRELL POWER LARSON, his wife, a 9.818 acre parcel of land; and

WHEREAS, the aforesaid two parcels of land are currently zoned RC-2, and are contiguous to each other; and

WHEREAS, the parties of the first part intend by this Deed to combine the aforesaid parcels and impose a restriction on the number of density units on said combined aforementioned parcel as per the Order of the Zoning Commissioner of Baltimore County in Case No. 89-383-SPH; and

TRANSFER TAX NOT REQUIRED
BALTIMORE COUNTY MARYLAND
For 22880
Authorized Signature
Date 2/28/90 Sec. 11-85
AGRICULTURAL TRANSFER TAX
NOT APPLICABLE
RECEIVED FOR TRANSFER
State Department of
Assessments & Tax
for Baltimore County
DATE 2/28/90

LICER 8415 PAGE 375

WHEREAS, the aforesaid 28.439 acres parcel contains two density units; and

WHEREAS, the Grantors and Grantees of the 9.818 acre parcel intended that it be conveyed with the restriction that there would be no transfer of building rights nor density units with said transfer; and

WHEREAS, a special hearing was requested before the Zoning Commissioner of Baltimore County to determine and affirm the number of density units with the aforesaid two parcels in case number 89-383-SPH; and

WHEREAS, after a hearing on said matter, it was ordered by the Zoning Commissioner for Baltimore County on or about November 9, 1989 in said case number 89-383-SPH, as follows:

- (i) That the transfer of the aforesaid 9.818 acre parcel, dated February 19, 1988 and recorded in the Land Records of Baltimore County in Libre 7807, Page 751, shall be approved as a non-density transfer.
- (ii) That a Deed shall be recorded among the Land Records of Baltimore County which shall combine the 28.439 acre parcel and the 9.818 acre parcel into one 38.257 acre parcel with a total of two density units.
- (iii) That a new Record Plat shall be recorded in the Land Records of Baltimore County for the newly created 38.257 acre tract stating the existence of a total of two density units for said parcel and a limit of two lots on said